

**DARE COUNTY
NORTH CAROLINA**

**THE DARE COUNTY BOARD OF COMMISSIONERS MINUTES
February 2, 2004**

The Dare County Board of Commissioners met in a regular session at 9:00 a.m. on February 2, 2004, in the Dare County Administrative Annex in Manteo. Commissioners present were: Warren Judge, John Robert Hooper, Renée Cahoon, Virginia Tillett, Stan White, and Cheryl Byrd. Richard Johnson was absent. Also present were Manager Terry Wheeler and Attorney Norma Mills.

ITEM 1 – PRESENTATION OF COUNTY SERVICE PINS

1. Stanley "Chris" Payne, WTP Superintendent, received his 15-Year Pin from Pat Irwin, Water Department Supervisor.
2. Susan Saulsbury, Social Worker II, received her 15-Year Pin from Teresa Edwards, Social Services Supervisor.

ITEM 2 – EMPLOYEE OF THE MONTH

The Employee of the Month for February will be recognized at the next meeting.

ITEM 3 – PUBLIC COMMENTS

There were no speakers.

**ITEM 4 – ADDITIONAL EXPENSE FUNDING FOR THE DETENTION CENTER
(ATT # 1)**

Sheriff Rodney Midgett presented a request for additional funding for four (4) of the Jail expense accounts. He explained that there has been an increase in the population at the Detention Center. As of today there are 121 inmates in custody. They could not predict and did not anticipate the increase and a lot of it is due to increase public awareness. A lot of their budget deals with providing services to the inmates – food, medical expenses, etc. This increase is happening in all counties in the state with the drug problem being the big issue.

MOTION

Commissioner Cahoon moved the approval for an additional \$160,000 into four of the expense accounts.

Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

Sheriff Midgett discussed with the Board the need to add four new employees at the Detention Center to fully staff another pod. He asked the Board to fund the four positions for the last three months of the year – April, May & June. The request will be on the next agenda.

Chairman Judge expressed a need for the state to move forward with transferring state inmates who have been sentenced so that the county does not bear the

burden of housing them. Attorney Mills explained that additional state facilities will soon be available and should help with this issue.

ITEM 5 – PROPOSED CHANGE TO BOARD RULES (ATT # 2)

Attorney Mills reminded that during the last meeting discussion was held regarding the proper interpretation and application of Rule 23 of the Rules of Procedure for the Board. Specifically, Rule 23 provides that “a member who fails to vote, not having been excused, shall be recorded as voting with the majority.” The quest arose as to whether this provision applied to a member who was absent from the meeting in its entirety, as proposed to a member who is present at the meeting but leaves for a portion of the meeting and is absent when the vote is taken.

In conclusion, she recommended the following:

1. Add the phrase “When in attendance at a meeting” to the beginning of the Rule text to clarify the application of the Rule only to members in attendance at a meeting;
2. Include reference to “matters prohibited by G.S. 1-234” as matters for which members may be excused from voting;
3. Clarify that the specific instances outlined in the Rule are the only matters for which a member may be excused from voting.

Attached is a comparison of the existing language of Rule 23, the ext of G.S. 153A-44, and a proposed revision of Rule 23 incorporating the above three recommendations.

Attorney Mills suggested condensing the language of the general statute to comply with the Board’s language. The Board concurred.

MOTION

Commissioner Byrd moved that the proposed revisions to Rule 23 of the Rules of Procedure of the Dare County Board of Commissioners, as presented by staff, be adopted in their entirety.

Vice Chairman Hooper seconded the motion.

VOTE: AYES unanimous

THE BOARD SKIPPED TO ITEMS 7, 8, & 9.

ITEM 6 – PUBLIC HEARING – CAMPAIGN SIGN ORDINANCE (ATT # 3)

AT 10:00 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC REGARDING A PROPOSED AMENDMENT TO THE COUNTY’S SIGN ORDINANCE ESTABLISHING REGULATIONS FOR POLITICAL CAMPAIGN SIGNS.

Attorney Mills conducted the hearing and invited the public to speak.

1. Howard Rooney, Avon, thanked the Board members for completing the ordinance.

Chairman Judge closed the hearing at 10:01 a.m.

MOTION

Commissioner Byrd moved to adopt Resolution #04-02-04 Amending Sec. 22-59 of the Code of Ordinances to Regulate Campaign Signs as presented.

Commissioner Cahoon seconded the motion.

VOTE: AYES unanimous

ITEM 7 – EXTEND 2004 TAX LISTING FORM FILING DEADLINE (ATT # 4)

Attorney Mills explained that due to a vendor computer error, the 2004 Tax Listing Forms mailed to all Dare County taxpayers contained incomplete / inaccurate information. The vendor has mailed corrected forms to all taxpayers at no cost to the County. In order to give taxpayers sufficient time to review and file their corrected 2004 Tax Listing Forms, staff recommends that the Board of Commissioners extend the current filing deadline from February 17th to March 15th.

MOTION

Vice Chairman Hooper moved to adopt the attached Resolution #04-02-05 extending the deadline for filing Dare County 2004 Tax Listing Forms to March 15, 2004.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

ITEM 8 – OREGON INLET BRIDGE UPDATE

Attorney Mills reported that NC DOT has referred the bridge issue to a Consulting Firm that they are using on the Oregon Inlet replacement bridge. They have asked the consultant to give a report back by the March DOT Transportation Board meeting on their initial estimates as to cost and initial recommendations. Listed are the three things that DOT has asked the consultant to review:

(1) to consider the concept of a flyover if the 17-mile bridge is ultimately what moves forward and if there is a way to have an exit or flyover off of the 17-mile bridge to allow people to have access to the north end of Pea Island, South side of Oregon Inlet in order to preserve the public access to the fishing centers and the old Coast Guard Station.

(2) to re-examine what Dare County refers to as the short bridge alternative (possibly \$130 million dollar bridge) that would run parallel with the existing Bonner Bridge and would tie in either where the existing bridge does or tie in on the state owned property where the old Coast Guard Station is in order to avoid an issues with impact on wildlife habitat and

(3) to review different alternative bridge construction options and see if a bridge could go from one end of the inlet to the other with alternative design options such as a cable span, a suspension bridge, or an arch bridge.

At this point there are no documents generated but she will follow up closer to the March DOT Board meeting and see if any documents have been generated and then provide them to the Board of Commissioners.

ITEM 9 – CONSENT AGENDA (ATT # 5)

MOTION

Commissioner Cahoon moved the approval of the Consent Agenda:

1. Approval of Minutes – January 13 & 20, 2003

2. Social Services Budget Amendment – Federal Day Care Funding
Commissioner Tillett seconded the motion.

VOTE: AYES unanimous

THE BOARD MOVED BACK TO ITEM 6 – PUBLIC HEARING.

ITEM 10 – COMMENTS BY COMMISSIONER CAHOON

- NC Aquarium Society – She referred to an article in the paper regarding the society's proposed plans for Jennette's Pier. The business community in the neighborhood is very concerned about the status of the pier and a time frame. She asked for an update and also information about their fund raising efforts and how the community can help.
- Dare County Angel Tree Program – She noted there were thirty-eight (38) angels left on the tree this year and one person came forward and spent over \$8,000 to make sure every angel was taken care of. Dare County has a very generous business person. Kudos to that person.

ITEM 11 – COMMENTS BY COMMISSIONER WHITE

- COBRA – He has been reminded by a group in Avon about the Cobra zone. The county has been working for years trying to get some adjustments made to the COBRA map. The folks in Avon say they are very close but would like for the Board of Commissioners to write a letter in support of modifying the maps in the Avon area. He suggested that the Board instruct the County Attorney to draft a letter if the Board does support the matter. Vice Chairman Hooper cannot support it now due to all of the federal flood issues at this time. His understanding is they want to move the line further westward. Most of the issues in Frisco, Buxton, and maybe some places in Avon have been resolved.
Commissioner Byrd felt the issue needed to be finalized and is totally independent of the FEMA issues that the county is dealing with now. Attorney Mills noted the line is drawn and the request is to further move the line.
Commissioner White noted there are citizens in Dare County who do not have flood insurance because of where the line is drawn. In some places it is less than 50' wide. As a courtesy to the taxpayers, he feels the Board should support allowing these people to be able to buy flood insurance. Commissioner Cahoon would like to see how much land the issue involves.
Chairman Judge asked that the issue be placed on the next agenda with the history of the COBRA line and how it was drawn and justification for requesting the line to be moved and see if the Board can support the request for relief for these property owners.

ITEM 12 – COMMENTS BY VICE CHAIRMAN HOOPER

- Hurricane Isabel – He thanked Commissioner Cahoon and Doug Langford for their work with CAMA to address the vegetation line for Hatteras Village.
- Update on OIWC – He questioned the geotechnical engineering taking place west of the Bonner Bridge. It is his understanding that DOT is moving forward with the 17-mile alternative bridge. Commissioner White responded that the geotechnical is still moving forward and the bridge will be a design built bridge and there is no design but they are still moving forward with some of the technical aspects.

ITEM 13 – COMMENTS BY COMMISSIONERS BYRD

- Animal Control issues - The committee (SPCA, County Attorney, Health Department, and herself) will be meeting on Thursday, Feb. 5th and asked the Board if they had any additional issues the committee needs to discuss.
- Committee assignments – She has not seen any activity involved with JTPA Workforce Development Committee and asked for some feedback.
- Convention Center/Civic Center – She raised concern about a possible convention center and felt they should only move forward to acquire land. They should wait until other issues are in place such as sufficient housing for the workforce. She is not sure the community is ready for this but feels the Board should have a conversation about it.

ITEM 14 – COMMENTS BY CHAIRMAN JUDGE

- Joint Meeting with Town of Manteo – He scheduled a meeting with the Manteo Town Council on the Dare County Administrative Building for 6:30 p.m. on Feb 17th. Commissioner Cahoon will not be able to attend.

ITEM 15 – COMMENTS BY COUNTY ATTORNEY / HATTERAS VILLAGE CLEAN-UP

- Clean-up in Hatteras Village – Attorney Mills announced that staff is beginning to finalize the clean-up efforts in Hatteras Village. As of Friday, February 20th they will stop any pick-up along the road for debris items. There are six (6) structures left for demolition. The insurance issues by in large have been resolved.

ITEM 12 – CLOSED SESSION – PERSONNEL MOTION

Vice Chairman Hooper, pursuant to the provisions of NCGS 143-318.11, moved that the Dare County Board of Commissioners go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Commissioner Byrd seconded the motion.

VOTE: AYES unanimous

AT 10:25 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS ENTERED CLOSED SESSION AND EXITED AT 10:35 A.M.

Chairman Judge reported that no action was taken.

AT 10:45 A.M., THE DARE COUNTY BOARD OF COMMISSIONERS BEGAN THE BUDGET WORKSHOP AND RECESSED FOR LUNCH AT 12:00 P.M. AND RECONVENED AT 1:00 P.M.

ITEM 13 – BUDGET WORKSHOP (ATT # 6)

The Budget Schedule was presented along with an overview of several issues relating to the 2004/2005 budget.

AT 3:00 P.M., THE DARE COUNTY BOARD OF COMMISSIONERS ADJOURNED UNTIL 3:00 P.M. ON FEBRUARY 16, 2004.

(SEAL)

Respectfully Submitted,

By:

Frances W. Harris
Clerk to the Board

APPROVED:

By:

Warren Judge, Chairman
Dare County Board of Commissioners